

**Bruce W. Brewer**, OSB No. 925581  
brucebrewerusdccases@gmail.com  
PO Box 421  
West Linn, OR 97068  
Phone: 360-688-0458  
Fax: 503-405-7373  
Attorney for plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**DUANE GIANCONE,**

Case no. 3:12-cv-00495-JE

Plaintiff,

**ORDER (EAJA FEES)**

vs.

**COMMISSIONER,**  
of Social Security  
Administration,  
Defendant.

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Based upon the stipulation of the parties, it is hereby ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, an attorney fee in the amount of \$5,399.64 is awarded to Plaintiff. It is ordered that the aforementioned attorney fee will be paid to Plaintiff's attorney, dependent upon verification that Plaintiff has no debt which qualifies for offset against the awarded fees, pursuant to the Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S.Ct. 2521 (2010).

If Plaintiff has no such debt, then the check shall be made payable to Plaintiff's attorney, Bruce Brewer, and mailed to Plaintiff's attorney's mailing address at PO Box 421, West Linn, OR 97068. If Plaintiff has such debt, then the check for any remaining funds after offset of the debt shall be made payable to Plaintiff and mailed to Plaintiff's attorney's mailing address stated above. There are no costs or expenses to be paid herein.

DATED this 2nd day of December, 2013.

/s/ John Jelderks

United States                      /Magistrate

Submitted by:

Bruce W. Brewer, OSB No. 925581  
360-688-0458, Attorney for Plaintiff